



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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January 30, 2009

Revision #1

A public meeting of the Arizona Game and Fish Commission will be held on February 6-7, 2009, and as authorized by A.R.S. § 17-201(D), the Commission will discuss and may vote to take action on the following matters:

Friday, February 6, 2009, Arizona Game and Fish Commission at the Arizona Game and Fish Department 5000 W. Carefree Highway, Phoenix, Arizona 85086.

Meeting begins at 8:00 a.m.

1. Executive Session

- a. **Litigation and Legal Counsel.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and to instruct legal counsel regarding the Commission's position concerning *In re General Stream Adjudication for the Little Colorado River and Gila River; Wilderness Watch v. U.S. Fish and Wildlife Service CV-07-1185; Pruett v. Shroufe, 2:07-cv-01744-NVW; Turner notice of claim; Honie notice of claim; Anderson v. Arizona Game and Fish Department, et. al C20089051.*
- b. **Personnel Matters.** The Commission may vote to go into Executive Session to discuss personnel matters, including the Director's goals and objectives pursuant to A.R.S. § 38-431.01(A)(1). The Commission may decide this matter in the public session or defer a decision to a later date.

ADDITIONAL ITEM

- c. **Legal Counsel.** The Commission may vote to meet in executive session in accordance with A.R.S. 38-431.03(A)(3) for the purpose of receiving legal advice from counsel regarding hunting and associated recreation on state trust lands.
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Pledge of Allegiance.

Awards and Recognition.

2. **Litigation Report.** The Department's legal counsel may report on the status of the litigation matters: *In re General Stream Adjudication for the Little Colorado River and Gila River; Wilderness Watch vs. U.S. Fish; Wildlife Service CV-07-1185; and Pruett vs. Shroufe, 2:07-cv-01744-NVW; and Anderson v. Arizona Game and Fish Department, et. al C20089051.* The Commission may vote to take action on any case.
3. **Presenter: Anthony Guiles, Legislative Liaison. State and Federal Legislation.** The Commission will be briefed on the status of State and Federal legislation. The Commission may vote to take a position or provide direction to the Department for coordination, action, or proposed changes to legislation or other elective issues related to Department responsibilities.
4. **Presenter: Ty Gray, Assistant Director, Information and Education Division. Information and Education Activities Briefing.** The Commission will be given an update of Department activities and events related to Information and Education Programs. The update covers activities and events that have occurred since the January 2009 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
5. **Presenter: Josh Avey, Habitat Branch Chief. An Update on Current Issues, Planning Efforts, and Proposed Projects on All Lands in Arizona and Other Matters Related Thereto.** The Commission will be briefed on the latest developments relating to the implementation of land and resource management plans and projects on private, state and federal lands in Arizona and other matters related thereto. The update addresses decisions or activities since the January 2009 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

LANGUAGE CHANGE

6. **Presenter: Josh Avey, Habitat Branch Chief. Request for Commission Approval for the Department to Relinquish the Lease at Deer Valley South in Exchange for the City of Phoenix's Payment of the Department's Hanger Lease Annual Rental at Deer Valley Airport through 2022.** The Commission will be asked to vote to relinquish the lease at Deer Valley South to the City of Phoenix in exchange for the City of Phoenix's payment of the Department's hanger lease annual rental at Deer Valley Airport through 2022.
7. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve Acquisition of the Gary Gable Property located North of and Contiguous to the Arlington Wildlife Area, Maricopa County, Arizona.** The Commission will be asked to vote to approve the acquisition of the Gary Gable Property located north of and contiguous to the Arlington Wildlife Area, Maricopa County, Arizona.
8. **Consent Agenda** – The following items have been grouped together and are hereby noticed as consent agenda items to expedite action on routine matters, which may not require public discussion. The Commission will be asked to vote to approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. Commission members may remove certain items if further public input or discussion is deemed necessary.

- a. **Presenter: Josh Avey, Habitat Branch Chief. Request for the Commission to Approve a Cooperative Agreement to Allow Flower Pot Cattle Company to Farm a Portion of the Arlington Wildlife Area for a Period of Five Years in Return for Placement of an Irrigation and Water Delivery System on the Property.** The Commission will be asked to vote to approve a Cooperative Agreement allowing Flower Pot Cattle Company to farm a portion of the Arlington Wildlife Area for a period of five years in return for their placing an irrigation and water delivery system on the property.

LANGUAGE CHANGE

- b. **Presenter: Pat Barber, Yuma Regional Supervisor. Request for the Commission to Approve an Intergovernmental Agreement with the Town of Quartzsite Designating Hunting Areas to Include Discharge of Firearms within the Town Limits.** The Commission will be asked to vote to approve an Intergovernmental Agreement with the Town of Quartzsite designating open hunting areas to include discharge of firearms within the town limits.
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9. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

Lunch Break (Begins at 11:30 a.m.)

10. **Presenter: Pat Barber, Yuma Regional Supervisor. Department of Defense Activities at the U.S. Army Yuma Proving Ground at Time Certain 1:00 p.m.** Colonel John R. Bullington will present a briefing to the Commission on current and future activities at the Yuma Proving Ground. The Commission may vote to take action on or provide the Department direction on items covered in the presentation.
11. **Presenter: Gene Elms, Law Enforcement Branch Chief. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife at Time Certain 2:00 p.m.** The Commission will consider and take action on the license revocations and/or civil assessments for the individuals listed below.

<u>Name</u>	<u>Conviction</u>
Presmyk, Kevin	Count C: possession of unlawfully taken mountain lion
Presmyk, Kevin	Count B: possession of unlawfully taken mountain lion
Thomas, Stanley	Count A: use aircraft to locate elk during open season
Hutson, James	Count A: take deer during the closed season Count B: take deer without a valid tag Count C: possess/transport unlawfully taken deer Count D: possess unlawfully taken elk

Hutson, Cory	Count A: attach tag to a deer one did not kill Count B: possess unlawfully taken deer
Hutson, Chad	Count A: take elk during the closed season Count B: take elk without a valid tag Count C: possess/transport unlawfully taken elk Count D: take elk and allow to waste
Hutchens, Wayne	Count A: possess unlawfully taken antelope
Scott, Benjamin	Count A: possession of unlawfully taken mule deer Count B: use big-game tag of another

- 12. Presenter: Gary R. Hovatter, Deputy Director F.O.D./I.E.D. Presentation on 2009 Director's Goals and Objectives.** The Department will present its draft Director's Goals and Objectives recommendations for calendar year 2009 to the Commission for their consideration, input and approval. Department staff produced this draft after receiving input from the Commission at the Commission Workshop in November 2009. The Commission may vote to approve the goals and objectives and/or provide further direction to the Department on this item.

ADDITIONAL ITEM

- 13. Presenter: Pat Barber, Yuma Regional Supervisor. Background Information and Briefing on the Department and Commission's involvement in the Cibola Valley Irrigation and Drainage District (CVIDD) as part of the Multi Species Conservation Program (MSCP), and a Discussion on Commissioner Woodhouse's Role and Function as a Director of the CVIDD.** Department personnel will provide background information on the Department and Commission's involvement in the Cibola Valley Irrigation and Drainage District (CVIDD) as part of the Multi Species Conservation Program (MSCP), and report on Commissioner Woodhouse's inaugural meeting. The Commission will discuss their continued involvement in the CVIDD, and Commissioner Woodhouse's role and function as a Director of the CVIDD, including representing the Commission and Department as landowners within the CVIDD boundary. The Commission may vote to take action, or provide the Department direction on this item.

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- 14. Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

Saturday, February 7, 2009, Arizona Game and Fish Commission at the Arizona Game and Fish Department 5000 W. Carefree Highway, Phoenix, Arizona 85086.

Meeting begins at 9:00 a.m.

- 1. Presenter: Jay Cook, Education Branch Chief, Information and Education Division. Statewide Shooting Range Briefing.** The Commission will be given an update of Department activities related to shooting range support and development statewide. The

update covers activities that have occurred since the January 2009 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

2. **Presenter: Rod Lucas, Mesa Regional Supervisor. Petition from Mr. Jack J. Douglass of Queen Creek, Arizona, requesting return of seized bull elk skull and antlers.** The Commission will be asked to consider and vote on a petition from Mr. Jack J. Douglass of Queen Creek, Arizona, requesting that he be granted lawful possession of the 6x6 bull elk head and antlers that he found in Game Management Unit 1 on November 26, 2007, and seized by the Department on December 9, 2008.
3. **Presenter: Harry Seck, Assistant Director, Special Services. Big Game Draw Process and Timelines.** The Commission may vote to take action or provide direction to the Department concerning moving the permitted archery deer hunts into the same draw cycle as elk and antelope permits.

ADDITIONAL ITEM

- 3A. **Presenter: Harry Seck, Assistant Director, Special Services. Petition from Mr. James H. Seale, III of Greensboro AL and Gunter L. Ballard, Jr. of Eutaw, AL, requesting 2009 Unit 27 Bull Elk Tags or Re-instatement of Bonus Points lost in successful draw of Unit 27 Bull Tags in 2008.** The Commission will be asked to consider and vote on a petition from Mr. James H. Seale, III of Greensboro AL, requesting that he and Mr. Gunter L. Ballard, Jr. of Eutaw, AL be given Unit 27 bull elk tags for 2009 or have their elk bonus points re-instated. The Commission may vote to take action on, or provide the Department direction on this item.

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4. **Presenter: Chasa O'Brien, Research Branch Chief. Request for Commission approval of the Article 4 Five-year Review Report, regarding Live Wildlife, for submission to the Governor's Regulatory Review Council.** The Department is requesting the Commission vote to approve the Five-year Review Report for Article 4, regarding Live Wildlife, for submission to the Governor's Regulatory Review Council.
 5. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

ITEM REMOVED

6. **Presenter: Marty Fabritz, Executive Staff Assistant. Request to Approve the Notice of Final Rulemaking and Economic Impact statement amending Article 6 Rules addressing Rules of Practice Before the Commission.** The Commission will be asked to vote to approve the Notice of Final Rulemaking and Economic Impact statement amending Article 6 rules, addressing rules of practice before the Commission. The notice will be submitted to the Governor's Regulatory Review Council to be placed on their April 7 Agenda.
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TITLE CHANGE

7. **Presenter: Marty Fabritz, Executive Staff Assistant. Commission Awards Selection Process Restructure.** During the annual Commission awards selection process in Pinetop on September 5th, 2008, the Commission directed the Department to come back to them at a future date to address the Commission Awards selection process. The Department will present the Commission with a general overview of the process, including review of all award categories. The Commission may vote to provide the Department direction on these categories for the future as well as other changes to the process they deem necessary.
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8. **Presenter: Marty Fabritz, Executive Staff Assistant. September 2009 Commission Meeting Dates Reconsideration.** In June 2008 the Commission selected Commission meeting dates for 2009 and January 2010. This process occurs every year in June. During the proceedings the Commission approved dates for the September 2009 meeting that fall on Labor Day weekend, (Sept 4th/5th). This occurred only because of an oversight by the Department staff. The Commission may discuss whether they would like to move the dates from the holiday weekend to the following weekend (Sept. 11th/12th) to avoid the conflict with the holiday weekend. The Commission may vote to take action or provide further direction to the Department in this matter.
9. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
10. **Director's and Chairman's Reports.** The Director and the Chairman will report on Department and Commission activities since the last meeting. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
11. **Commissioners' Reports.** The Commissioners will report on their activities since the last meeting related to Game and Fish Commission duties and responsibilities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
12. **Approval of Minutes and Signing of Minutes.** The Commission will be asked to approve the Commission meeting minutes from the December 5-6, 2008 and January 16, 2009, and if approved, the signing of the minutes from the December 5-6, 2008 and January 16, 2009.
13. **Future Agenda Items and Action Items.**

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The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. §38-431.02. In that event, an addendum to the agenda will be noticed

and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order.

Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 5000 W. Carefree Highway, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.

During the public meeting, the Commission may afford any person, their duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

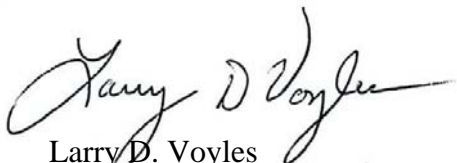
The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

One or more members of the Commission may appear and participate in the meeting telephonically or by other electronic means.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 5000 W. Carefree Highway, Phoenix, Arizona 85086, 602-942-3000. Requests should be made as early as possible to allow time to arrange the accommodation.

The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donations on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.

“Managing Today for Wildlife Tomorrow”



Larry D. Voyles
Director